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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-716*

13 **VIRGINIA LOPEZ RODRIGUEZ, a.k.a.**  
14 **VIRGINIA RODRIGUEZ**  
2013 Crawford Ct  
Fairfield, CA 94533-2716

**ACCUSATION**

15 **Registered Nurse License No. 495312**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 31, 1993, the Board of Registered Nursing issued Registered  
23 Nurse License Number 495312 to Virginia Lopez Rodriguez, also known as Virginia Rodriguez,  
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
25 the charges brought in this Accusation and will expire on February 28, 2013, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

## STATUTORY PROVISIONS

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 820 provides that:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

7. Code section 822 provides that:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

1 The licensing agency shall not reinstate a revoked or suspended certificate or  
2 license until it has received competent evidence of the absence or control of the  
3 condition which caused its action and until it is satisfied that with due regard for the  
4 public health and safety the person's right to practice his or her profession may be  
5 safely reinstated.

#### 6 **COST RECOVERY**

7 8. Code section 125.3 provides, in part:

9 (a) Except as otherwise provided by law, in any order issued in resolution of a  
10 disciplinary proceeding before any board within the department..., upon request of  
11 the entity bringing the proceedings, the administrative law judge may direct a  
12 licentiate found to have committed a violation or violations of the licensing act to pay  
13 a sum not to exceed the reasonable costs of the investigation and enforcement of the  
14 case.

15 ...  
16 (i) Nothing in this section shall preclude a board from including the recovery of  
17 the costs of investigation and enforcement of a case in any stipulated settlement.

#### 18 **CAUSE FOR DISCIPLINE**

##### 19 **(Mental Illness Affecting Competency)**

20 9. Respondent is subject to disciplinary action under section 822 in that her ability to  
21 practice safely as a registered nurse is impaired due to mental illness affecting her competency, as  
22 more specifically set forth below:

23 10. On or about June 11, 2012, in an administrative case entitled In the Matter of the  
24 Petition to Compel an Order for Psychological Evaluation of Virginia Lopez Rodriguez (Case No.  
25 2012-739), the Board ordered that Respondent be examined by a Board designated physician  
26 specializing in psychiatry or by a psychologist to determine whether Respondent is mentally ill to  
27 the extent that her ability to safely practice as a Registered Nurse is impaired. The Board issued  
28 the Order after Respondent filed an unintelligible online complaint with the Board. Additionally,  
Respondent admitted to a Board investigator that she was taking strong psychiatric medications  
and did not remember making the complaint with the Board. Respondent stated that she was  
unsure if she was well enough to return to nursing because she was taking severe medication for  
her mental illness.

1 11. On or about August 1, 2012, in compliance with the Board's Order, James Reich,  
2 M.D., M.P.H. interviewed and evaluated Respondent. Dr. Reich determined that Respondent  
3 suffers from major depressive disorder with psychotic features and in partial remission.  
4 Respondent demonstrated a lower level of concentration than what is required of a registered  
5 nurse.

6 12. Dr. Reich concluded that Respondent is not safe to practice as a nurse at this time.

7 **PRAYER**

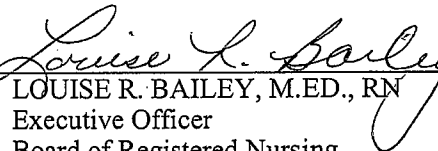
8 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
9 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 495312, issued to  
11 Virginia Lopez Rodriguez, a.k.a. Virginia Rodriguez;

12 2. Ordering Virginia Lopez Rodriguez, a.k.a. Virginia Rodriguez, to pay the Board of  
13 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
14 pursuant to Business and Professions Code section 125.3; and

15 3. Taking such other and further action as deemed necessary and proper;

16  
17 DATED: MARCH 5, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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